

FALKIRK COUNCIL

Subject: DEMOLITION OF RUINED FARMHOUSE, ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE, FORMATION OF ACCESS, CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN GROUND AT DOUBLEDYKES FARM, FALKIRK FOR MRS ALISON ARNOTT - P/14/0682/FUL

Meeting: PLANNING COMMITTEE

Date: 25 March 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: Denny and District

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 25 February 2015 (copy of previous report appended) when it was agreed to continue the application for a site visit. The site visit took place on 9 March 2015.
2. At the site visit, the case officer summarised the report, the agent spoke and Members of the Planning Committee and Local Members were heard.
3. The agent acknowledged the Housing in the Countryside policy issue but highlighted that the proposal satisfies other policies of the Development Plan. He stated that the Development Plan policies of other local authorities provide for the replacement of ruinous former houses. He considered that the applicant has made the case for material considerations to justify the proposal. He highlighted that further information has been submitted to address the design concerns raised by officers.
4. Members of the Committee raised queries in relation to road safety, the proposed use of the land, re-use of the stone downtakes and the existence of new housing in the area.
5. The Roads Co-ordinator advised that a kerbed bellmouth would be required to provide a new vehicular access to the site. This could also be utilised as a passing place for vehicles.

6. The applicant confirmed that the stone duntakes would be used for the front elevation of the house and for dry stone walls. The applicant confirmed that no agricultural use is proposed in association with the house.
7. Local Member Councillor Blackwood supported the proposal as he considered the ruin to be a blight on the landscape. Local Member Councillor McCabe had it confirmed by the applicant that the proposed house would be orientated slightly differently from the former cottage, the gable height would be slightly higher than the existing gable and drainage works to the land would be undertaken.
8. It is considered that no new issues were raised at the site visit that would alter the previous recommendation to refuse planning permission. The previous recommendation is therefore reiterated as detailed below.
9. However, it is reiterated that if the Committee decide to support the application the Committee indicate that it is minded to grant the application subject to design changes to the proposed dwellinghouse being agreed with the Director of Development Services.

10. RECOMMENDATION

10.1 It is therefore recommended that the Committee refuse planning permission for the following reasons:-

1. The application does not accord with Policies EQ19 (Countryside) and SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represents unjustified development at this countryside location.
2. The application does not accord with Policies CG01 (Countryside) and CG03 (Housing Development in the Countryside) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the prescribed circumstances to permit new development in the countryside and therefore represents unjustified development at this countryside location.
3. The application does not accord with Falkirk Council's Finalised Supplementary Guidance SG01 'Development in the Countryside', August 2014.

The recommendation is based on the following reason:-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informative:-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08 and 09.

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pp Director of Development Services

Date: 16 March 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Falkirk Council Finalised Supplementary Planning Guidance SG01 'Development in the Countryside', August 2014.
5. Scottish Planning Policy, June 2014.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission to demolish a ruined dwellinghouse, erect a new dwellinghouse and garage, form an access and change the use of agricultural land to garden ground. The new dwellinghouse would be one and a half storeys. The proposed drainage arrangements are a septic tank and soakaway.
- 1.2 The application site consists of a ruined cottage and rough grazing land. The site lies within the Denny Hills area.
- 1.3 The applicant has submitted the following information in support of the application:-
- Supporting Statement; and
 - Landscape Appraisal.
- 1.4 The Supporting Statement includes the following submissions:-
- The overall scheme is to present a lowland croft-type development aimed at being self sufficient, energy saving and low impact;

- The proposal is to follow the 'Passivhaus' design concept. The term Passivhaus refers to a voluntary standard for energy efficiency, resulting in ultra-low energy buildings requiring little energy for space heating or cooling. At the same time, the applicant is pursuing a building that would meet the Scottish Government's improvement standard for carbon reduction in new buildings. It is proposed to meet the standards set out in the BREEAM (BRE Environmental Assessment Method) Code for Sustainable Homes;
- The development proposes a significant number of energy efficiency and renewable energy measures to reduce the overall carbon footprint of the building, those being ground source heating pumps, roof mounted thermal panels, a ground mounted 3kW micro wind turbine, orientation of the dwelling to maximise passive solar heating of the principal living rooms, and recycling of rainwater for the wastewater system;
- The plot includes a modest soil plot for growing fruit and vegetables for domestic production, with surplus produce being donated to Falkirk Foodbank;
- The design would be of high quality;
- The DWA Landscape Architects study shows that the proposal can be achieved without compromising landscape quality;
- The proposal would provide a link to the past (by bringing residents back to Doubledykes) and embodies local rural identity within a sparsely populated area of Falkirk;
- The landowner has advised that the proposed house plot is of little grazing value to his business. The plot is poor quality agricultural land;
- The applicant has been advised by a structural engineer that the existing structure is in a very poor state of repair and is not habitable because it does not stand intact. Significant work would be required at excessive (abortive) costs to the project's viability so the property is not capable of beneficial restoration. The advice concludes that the most appropriate, cost effective and safe option would be demolition of the property and replacement with a new building;
- The applicant proposes to build on the footprint of the ruinous cottage as close as possible, retain its style (with a similar ridge height) and re-use as much as possible the existing stone for the exterior and boundaries;
- The applicant and her family currently reside in Denny and are finding their living accommodation increasingly cramped as their four children grow. Since 2008 they have searched the Falkirk housing market for affordable property that meets their changing needs (which includes the need for a more accessibility friendly living environment due to the applicant's impaired mobility as a result of an accident in 2012). However, all other options have been exhausted;

- The availability of Doubledykes satisfies the applicant's site search criteria. In particular, it allows the family to remain in the Denny area and the plot size can accommodate the infrastructure to make this a highly efficient dwelling. The applicant knows of no other vacant farm plot that can accommodate the proposed energy related infrastructure;
- This option is a financially viable development for the applicant, in the face of limited funds; and
- The proposal at Doubledykes is an exceptional case and is not likely to set a precedent for the proliferation of houses in the countryside.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Blackwood.

3. SITE HISTORY

- 3.1 There is no planning history for the application site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that a new access to the site would be formed onto Drove Road, which is a typical rural C class road of restricted width and alignment which lacks footway and lighting provision. There are several locations on Drove Road, both east and west of the site, where forward visibility is poor due to either carriageway alignment and/or roadside vegetation. They therefore have concerns associated with increasing the volume of traffic on a rural road of this nature. In addition, they advise that the proposal may generate pedestrian traffic. As there is no footway or lighting provision along Drove Road, the introduction of pedestrian movements along a road of this nature is not considered to be in the best interests of road safety.
- 4.2 The Environmental Protection Unit have advised that noise need not be a determining factor. They advise that a contaminated land assessment would be required if any unexpected contamination is encountered following commencement of the development.
- 4.3 Scottish Water have not responded.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received in respect of the application.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

Falkirk Council Local Plan

- 7a.2 The application site lies outwith the urban limits, within the countryside and an Area of Great Landscape Value, as defined in the Falkirk Council Local Plan.

- 7a.3 Policy EQ1 'Sustainable Design Principles' states:

"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

- 7a.4 This policy requires new development to achieve a high standard of design and comply with the principles of sustainable development. The policy sets out principles in relation to natural and built heritage, urban and landscape design, accessibility, resource use, infrastructure and maintenance. The proposal is sustainable insofar as it would incorporate energy efficiency measures and renewable sources of energy. In addition, the proposal is capable of good landscape fit, and the applicant has indicated that she is prepared to make design changes to ensure that the dwellinghouse is more in keeping with vernacular building style. The main issue in terms of sustainability is the lack of accessibility to the site by sustainable transport modes i.e. walking, cycling and public transport.

7a.5 Policy EQ6 'Design and Energy Use' states:

"Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged."*

7a.6 This policy requires developers to demonstrate how they have assessed and pursued opportunities for sustainable energy use in new development. It is evident that the applicant has taken into account local climatic factors and the use of renewable energy sources. The application therefore accords with this policy.

7a.7 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."

7a.8 This policy encourages development involving the rehabilitation and re-use of derelict land, subject to compliance with other Local Plan policies. The site contains a ruinous building and the proposal is to replace it with a new dwellinghouse. The proposal can therefore be seen to re-use derelict land, which is encouraged by the policy subject to compliance with the other Local Plan policies.

7a.9 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*

- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.10 This policy states that development in the countryside will be subject to the detailed policies for specific uses. The relevant detailed policy in this instance is Policy SC3 (Housing Development in the Countryside).

7a.11 Policy SC3 - ‘Housing Development In The Countryside’ states:

“Housing development in the countryside will only be permitted in the following circumstances:

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic residential development, and the proposal satisfies Policy SC8.”*

7a.12 This policy permits housing development in the countryside in certain circumstances. The application does not satisfy any of these circumstances and is therefore contrary to the policy. No case has been made that the proposed dwellinghouse is essential for the pursuance of a rural business, and the proposal does not involve the rehabilitation of a former residential property or conversion of a rural building. In addition, the proposal does not represent an infill opportunity.

7a.13 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

7a.14 This policy protects areas of great landscape value from development that would be detrimental to amenity and distinctive landscape quality. A landscape and visual assessment accompanies the application and it is accepted that the proposal can be accommodated without adversely affecting landscape quality. The application is therefore considered to accord with this policy.

7a.15 The application does not accord with the 'in principle' policy to support new housing in the countryside. Owing to this fundamental issue the application is considered to be contrary to the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed in respect of this application are national planning policy and guidance, the Falkirk Local Development Plan (Proposed Plan), Falkirk Council Supplementary Guidance and the consultation responses.

National Planning Policies and Guidance

7b.2 Scottish Planning Policy (SPP), dated June 2014, sets out Scottish Ministers' national planning policies for the development and use of land and the priorities for operation of the planning system.

7b.3 A principal policy of the SPP is a presumption in favour of development that contributes to sustainable development. The proposed development is considered to be sustainable insofar as it incorporates renewable energy and energy efficiency measures, and would have a low impact on the landscape setting.

7b.4 However, the SPP highlights that the aim is to achieve the right development in the right place. At paragraph 76 of the SPP it is stated that *'in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside.'* In that context, the Falkirk Council area is a pressurised area.

7b.5 The SPP indicates that the presumption in favour of sustainable development does not change the status of the Development Plan as the starting point for decision making. As detailed in this report, the application is considered to be contrary to both the Falkirk Council Local Plan and the Falkirk Local Development Plan (Proposed Plan).

Falkirk Local Development Plan (Proposed Plan)

- 7b.6 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.7 The application lies outwith the urban limits, within the countryside and an Area of Great Landscape Value, under the Proposed Plan. The policies of the Proposed Plan insofar as they are relevant to this application are generally the same as those of the Falkirk Council Local Plan. However, there are some changes to the 'Housing in the Countryside' policy, for example, Policy CG03 adds replacement housing as a relevant factor. In order to meet the criteria for replacement housing, the dwellinghouse must be in a habitable state. This is not the case in this instance as the former dwellinghouse is a ruin.
- 7b.8 The application is also considered to be contrary to the Proposed Plan.

Falkirk Council Supplementary Guidance

- 7b.9 Supplementary Guidance SG01 'Development in the Countryside' provides detailed guidance on the application of the criteria under Policy CG03 of the Proposed Plan. The proposal does not satisfy any of these criteria.

Consultation Responses

- 7b.10 The consultation responses are summarised in Section 4 of this report. The Roads Development Unit have raised concerns in relation to road safety, due to the nature of Drove Road. The matters raised by the Environmental Protection Unit could be the subject of conditions/informatives in respect of any grant of planning permission.

7c Conclusion

- 7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report.
- 7c.2 Whilst the personal circumstances of the applicant, her aspirations for an energy efficient, low carbon dwellinghouse, and the low impact of the development on the countryside setting are noted, the applicant's submissions do not demonstrate an overriding need for a countryside location for the proposed dwellinghouse. In particular, the provision of an energy efficient dwellinghouse which utilises renewable energy sources does not have an essential need for a countryside location. In addition, the vacant and ruinous nature of the site is noted, but the scale of dereliction is small and the ruin in itself is not considered to harm the character of the area. It is therefore considered that there are no special circumstances to outweigh the terms of the Development Plan in this instance.

- 7c.3 The concerns of the Roads Development Unit in respect of road safety are noted. The lack of accessibility to the site by sustainable transport modes is also noted. However these concerns have to be considered in the context of the scale of the proposed development, being for a single dwellinghouse. However, there are wider concerns if the application was to set a precedent for further housing in the countryside in similar circumstances (i.e. replacement of a ruin), particularly in terms of promoting an unsustainable pattern of housing development.
- 7c.4 Owing to the 'in principle' policy issue, the application is recommended for refusal. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.
- 7c.5 However, should the Committee decide to support the application, it is recommended that the Committee indicate that it is minded to grant the application subject to design changes to the proposed dwellinghouse being agreed with the Director of Development Services.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee refuse planning permission for the following reasons:-
1. The application does not accord with Policies EQ19 (Countryside) and SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represents unjustified development at this countryside location.
 2. The application does not accord with Policies CG01 (Countryside) and CG03 (Housing Development in the Countryside) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the prescribed circumstances to permit new development in the countryside and therefore represents unjustified development at this countryside location.
 3. The application does not accord with Falkirk Council's Finalised Supplementary Guidance SG01 'Development in the Countryside', August 2014.

The recommendation is based on the following reason:-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informative:-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08 and 09.

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Director of Development Services

Date: 15 February 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Falkirk Council Finalised Supplementary Planning Guidance SG01 'Development in the Countryside', August 2014.
5. Scottish Planning Policy, June 2014.

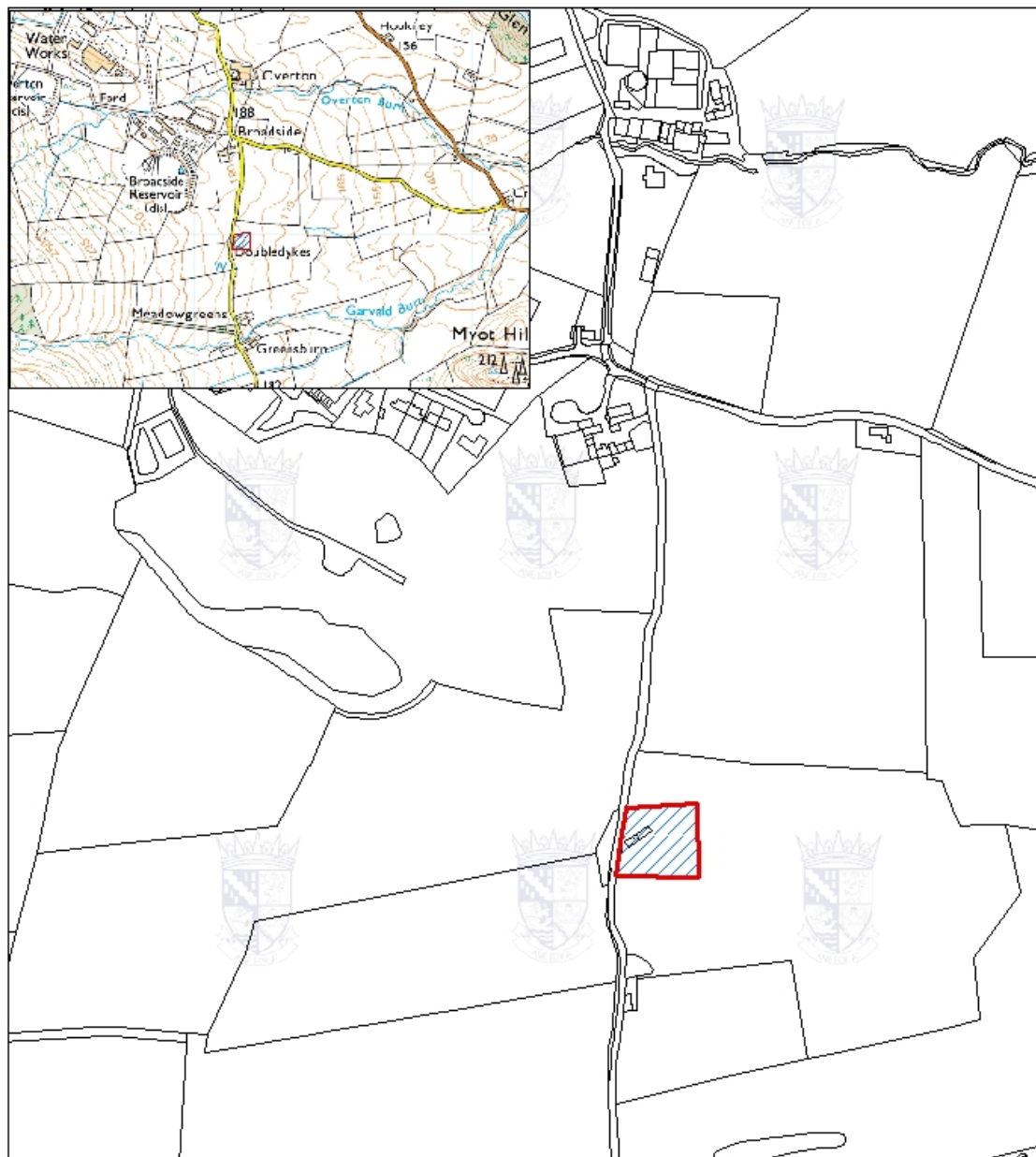
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0682/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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